

2

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 26, 2007

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Ref No.: EO 1598
Oahu

Consent to Renewal of Revocable Permit No. 10 for Lands under Governor's Executive Order No. 1598 to Elizabeth Martinez dba Olomana Gardens, Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-10:Portion of 69

CONTROLLING AGENCY:

Department of Agriculture, whose mailing address is 1428 South King Street, Honolulu, Hawaii 96814-2512.

APPLICANT:

Elizabeth Martinez, dba Olomana Gardens

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes, as amended.

ZONING:

State Land Use District: Agricultural
City and County of Honolulu CZO: AG-2, General Agricultural District

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to
the Hawaii State Constitution: YES ____ NO X

CURRENT USE STATUS:

Governor's Executive Order No. 1598 to Department of Agriculture for Operation and Maintenance of an Irrigation System to Develop Small Scale Farming purposes.

REVOCABLE PERMIT TERMS & CONDITIONS:

LOCATION AND AREA:

Portion of lands situated at Waimanalo, Koolaupoko, Oahu, identified by Tax Map Key: (1) 4-1-10:portion of 69, consisting of approximately 3.50 acres, more or less, as shown on the attached map labeled Exhibit A.

CHARACTER OF USE:

Boarding of not more than four (4) horses owned by the Permittee, for grazing and for the planting, growing and harvesting of a variety of flora and fauna for use within a botanical garden owned and operated by the Permittee.

TERM:

Twelve (12) month period, commencing November 1, 2006.

RENT AMOUNT:

\$250.00 per month

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The controlling agency shall be responsible for ensuring compliance with Chapter 343, HRS.

DCCA VERIFICATION:

Olomana Gardens (as described in DCCA site)

Place of business registration confirmed: YES X NO

Registered business name confirmed: YES X NO

Applicant in good standing confirmed: YES X NO

REMARKS:

Governor's Executive Order No. 1598, was signed on November 27, 1953 by the Governor of the Territory of Hawaii, for the operation and maintenance of an irrigation system to develop small scale farming, to be under the control and management of the Hawaii Irrigation Authority. In accordance with Section 21, Act 306, Session Laws of Hawaii 1987, all of the elements comprising the Waimanalo Irrigation System were transferred to the control and management of the Board of Agriculture from the Board of Land and Natural Resources.

The area under the Permittee's revocable permit is the abandoned Kailua Reservoir, which was replaced by a new 60 million gallon reservoir located at the end of Mahaiula Street.

Upon checking with Randy Teruya at the Department of Agriculture, the Permittee, who resides on the adjacent property, has maintained the area free of overgrowth and debris and has complied with all of the terms and conditions of the revocable permit with the Department of Agriculture.

In their letter dated November 29, 2006, the Department of Agriculture has informed our office that the Board of Agriculture, at its meeting on November 28, 2006, has authorized the renewal of the subject revocable permit and is requesting the Land Board's consent.

RECOMMENDATION:

That the Land Board consent to the revocable permit between the Department of Agriculture and Elizabeth Martinez dba Olomana Gardens, subject to any applicable conditions cited above which are which are by this reference incorporated herein and further subject to the following:

1. Review and approval by the Department of the Attorney General; and
2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Steve Lau
Land Agent

APPROVED FOR SUBMITTAL:



PETER T. YOUNG, Chairperson

